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14 UNITED STATES BANKRUPTCY COURT  
15 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION  
16

17 In re  
18 PG&E Corporation,  
19 and  
20 PACIFIC GAS AND ELECTRIC  
COMPANY,  
21 Debtors.  
22

Case No. 19-30088-DM

Chapter 11  
Lead Case, Jointly Administered

**EVIDENTIARY OBJECTIONS TO  
DECLARATION OF ELOUISE JADHAV  
IN SUPPORT OF REORGANIZED  
DEBTORS' OBJECTION TO PROOF OF  
CLAIM NO. 58562**

23 ☐ Affects PG&E Corporation  
☐ Affects Pacific Gas and Electric Company  
24 ☒ Affects both Debtors

25 \*All papers shall be filed in the Lead Case,  
26 No. 19-30088-DM,  
27  
28

Date: November 9, 2021  
Time: 10:00 a.m.  
Place.: (Tele/Videoconference  
Appearances Only)  
Courtroom 17  
450 Golden Gate Avenue  
San Francisco, CA 94102

Judge: Hon. Dennis Montali

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2 Fulcrum Credit Partners LLC (“Fulcrum”), as transferee, and Tuscan Ridge Associates,  
3 LLC (“Tuscan”), as transferor, hereby submit the following objections to the Declaration of  
4 Elouise Jadhav in Support of Reorganized Debtors’ Objection to Proof of Claim No. 58562 Filed  
5 by Fulcrum Credit Partners LLC as Transferee of Tuscan Ridge Associates, LLC [Docket No.  
6 11289] (“Jadhav Declaration”)

7 1. **Objection is made to paragraph 2** of the Jadhav Declaration on the ground that it  
8 is vague and ambiguous. *See* Fed. R. Evid. 403. Declarant purports to interpret and define the  
9 scope of both the Letter Agreement signed September 13 and 14, 2018 and the Amendment to  
10 Letter Agreement signed October 16, 2018 by claiming that both the Letter Agreement and the  
11 Amendment thereto govern PG&E’s use of “the license area” without purporting to define “the  
12 license area.”

13 2. **Objection is made to sentence one of paragraph 3** of the Jadhav Declaration on  
14 the ground that Declarant lacks personal knowledge. *See* Fed. R. Evid. 602. Objection is made  
15 specifically to sentence one of paragraph 3 wherein Declarant alleges that “On November 12,  
16 2018...PG&E proposed terms to Tuscan Ridge Associates, LLC for entering into a new  
17 agreement” for use of Tuscan Ridge property. Declarant’s testimony does not purport to be based  
18 on her own conversations and interactions with Tuscan Ridge Associates, LLC. **Objection is**  
19 **further made to Declarant’s testimony in sentence three of paragraph 3** that she “is informed  
20 and believe[s]” that PG&E expanded its use of Tuscan Ridge property with the consent of Tuscan  
21 Ridge Associates, LLC, on the ground that, although couched as a fact, constitutes a legal  
22 conclusion and an opinion on an ultimate issue (*see* Fed. R. Evid. 701 and 704), and on the  
23 additional ground that Declarant lacks personal knowledge, and provides no factual basis for  
24 finding that this conclusion is based on Declarant’s personal perception. *See* Fed. R. Evid. 602.

25 3. **Objection is made to “Exhibit C” as described in paragraph 4** of the Jadhav  
26 Declaration on the grounds that the proper foundation was not laid for the admission of “Exhibit  
27 C” (the excel spreadsheet) purportedly made by Declarant, that the document attached as “Exhibit  
28 C” has not been properly authenticated, and that Declarant fails to explain how she came to have

1 personal knowledge of the data contained in the spread sheet. *See* Fed. R. Evid. 901; Fed. R. Evid.  
2 602. Further, “Exhibit C” itself constitutes inadmissible hearsay as it is being offered to prove  
3 exactly what it purports to assert— that PG&E made certain payments to Tuscan Ridge  
4 Associates, LLC. *See* Fed. R. Evid. 801; Fed. R. Evid. 802. Further objection is made on the  
5 ground that the information Declarant used to prepare Exhibit C is based on out-of-court  
6 statements that the Declarant seeks to introduce to prove the truth of the matters contained therein.  
7 *See* Fed. R. Evid. 801; Fed. R. Evid. 802.

8       4.       **Objection is made to sentences 2, 3 and 4 of paragraph 4** of the Jadhav  
9 Declaration on the ground that Declarant lacks personal knowledge. *See* Fed. R. Evid. 602.  
10 Declarant provides no basis for her conclusion that PG&E made certain (or any) payments  
11 including payments to Tuscan.

12       5.       **Objection is made to “Exhibit D” as described in paragraph 7** of the Jadhav  
13 Declaration on the ground that the photographs are irrelevant, in that activity on the subject  
14 property by ECC has no tendency to make a fact or less probable, and is of no consequence in  
15 determining this matter. *See* Fed. R. Evid. 401. Further objection is made on the ground that the  
16 proper foundation was not laid for the admission of “Exhibit D.” *See* Fed. R. Evid. 901; Fed. R.  
17 Evid. 602. Declarant has provided no evidence establishing that the photographs attached as  
18 “Exhibit D” are actually “photographs of the ECC grading work” as required by Rule 901. *See*  
19 Fed. R. Evid. 901 (“To satisfy the requirement of authenticating or identifying an item of  
20 evidence, the proponent must produce evidence sufficient to support a finding that the item is  
21 what the proponent claims it is.”). Declarant has also failed to put forth evidence showing that she  
22 has personal knowledge of the facts the photos purport to capture as required by Rule 602.  
23 Declarant does not claim that she herself took the photos nor does she claim that she perceived the  
24 area captured by the photos such that she would be able to satisfy her burden of proving the photos  
25 do indeed display “the ECC grading work.” *See* Fed. R. Evid. 602.

26       6.       **Objection is made to paragraph 7** of the Jadhav Declaration on the ground that it  
27 is vague and ambiguous. *See* Fed. R. Evid. 403. Declarant alleges that Declarant contacted Mr.  
28 McAlister “about the work at the site by ECC” without explaining the “the work” allegedly done,

1 without defining “the site” where the work took place, and without explaining the meaning of “by  
2 ECC.” Further, Declarant lacks personal knowledge regarding the scope of PG&E’s base camp  
3 permits and lacks personal knowledge regarding whether ECC’s grading work “exceeded the  
4 scope” of those permits. Fed. R. Evid. 602. Further objection is made on the ground that ECC’s  
5 purported activities are irrelevant, in that activity on the subject property by ECC has no tendency  
6 to make a fact or less probable, and is of no consequence in determining this matter. *See* Fed. R.  
7 Evid. 401.

8  
9 DATED: October 26, 2021

ALSTON & BIRD, LLP

10  
11 By: /s/ Diane C. Stanfield

12 DIANE C. STANFIELD

13 Attorneys for Fulcrum Credit Partners, LLC  
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